Fw: Public Records Request

Mendes, Bob (Council Member) <Bob.Mendes@nashville.gov>
Tue 5/25/2021 8:00 AM
To: Roberts, Jeff (Elections) <Jeff.Roberts@nashville.gov>
Cc: Cooper, Jon (Council Office) <Jon.Cooper@nashville.gov>

1 attachments (732 KB)
Response Form.pdf;

Jeff -- please see below and attached.

I believe that Council Director Cooper emailed you about this topic yesterday. I asked him to do that before I had seen the email below, which appears to confirm that Bradley Arant is responding to a public records request on behalf of the Davidson County Election Commission.

I am curious about when and how Bradley Arant was authorized or hired to do this work. Please let me know about this.

I recall that, at one of the recent Election Commission meetings (on May 10, I believe), there was a line of discussion started by Austin McMullen from Bradley Arant where he and Professor Blumstein were double-checking about whether certain work was within the scope of their employment. I agree that the law firm should only act narrowly within the scope of its approved authority since the city invests a lot of resources in having Metro Legal available for all Metro departments, agencies, and commissions.

I don't have a copy of any of the engagement letters to see for myself whether responding to public records requests is within the scope of Bradley Arant's representation. This is why I am asking you under what authority the law firm is responding to a public records request on behalf of the Election Commission.

Please advise.

Bob

Bob Mendes
bob.mendes@nashville.gov

From: Daniel A. Horwitz <daniel@horwitz.law>
Sent: Monday, May 24, 2021 9:27 PM
To: Miller, Casey <cmiller@bradley.com>
Cc: Mendes, Bob (Council Member) <Bob.Mendes@nashville.gov>; cavendish, Steve <spcavendish@gmail.com>; Yue Yu (Tennessean) <yyu@tennessean.com>
Subject: Re: Public Records Request

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Casey,

Thank you for this email.

I remain unclear, however, why Bradley is responding to a public records request directed to the Davidson County Election Commission on behalf of the Metropolitan Government, and this correspondence definitely does not answer that unresolved question. Has the Davidson County Election Commission retained Bradley to handle its public records requests? When did that happen? Who authorized the representation? Did anyone consider the possible conflict regarding Jim DeLanis improperly steering hundreds of thousands of taxpayer dollars to your law firm—a firm that very recently sued the Davidson County Election Commission—through non-public means for personal reasons that did not have the public's interest in mind before approving the representation? Does Bradley serve as Jim DeLanis's personal attorney, and does that account for why you are responding to this request using a Metro form? To put it mildly, Bradley's claim of authority regarding this matter comes as a significant surprise to me, and I suspect that it may surprise some of the other people copied on this email as well, who may also have questions about it.

In the absence of some immediate explanation for your firm's asserted authority to respond to this public records request regarding Mr. DeLanis on Metro's behalf, which was due today but regarding which I did not hear from you until a few hours ago, I am not inclined to accept a full-month delay regarding it, particularly one that clearly appears timed to result in disclosure only after upcoming legal proceedings regarding which the records are immediately relevant. Please advise. Please also furnish the records that you have gathered to date today.

Thank you.

Best,

-Daniel Horwitz

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LAW PLLC

---------- Forwarded message ---------
From: **Miller, Casey** <cmiller@bradley.com>
Date: Mon, May 24, 2021 at 8:37 PM
Subject: Public Records Request
To: daniel@horwitz.law <daniel@horwitz.law>

Daniel,

Please see the attached response form.

Best,
Casey

Casey L. Miller
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